IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF JANUARY
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION No.24601 OF 2006

Between:

NILKAMAL PLASTICS LIMITED
Rep. by its Deputy General Manager-
Finance, Sri Shridhar Sawant.

..... PETITIONER

AND

Additional Commissioner (CT) (Legal),
Office of the Commissioner of
Commercial Taxes, A.P. Hyderabad, and another.

....RESPONDENTS

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION No.24601 OF 2006

O R D E R
(Per Sri Justice J.Chelameswar)

This writ petition is filed with a prayer as follows:

> **"… Hon'ble Court may be pleased to issue writ, order or direction, more particularly in the nature of Writ of Mandamus, declaring the order of the Additional Commissioner (CT) (Legal), Office of the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad, in Proceedings CCT's Ref.No.L-III(4)/813/2005, dated 03.08.2006, as void, inoperative and set aside the same and pass …"**

The writ petition was admitted on 06.12.2006 and conditional interim suspension was granted on the same day in WPMP No.31459 of 2006, the details of which may not be necessary at this stage. Counter-affidavit is filed by the respondents. Subsequent to the admission of the writ petition, the petitioner filed WPMP No.34436 of 2006 bringing on record certain new facts.

Heard the learned counsel for the petitioner and the Government Pleader.

Having regard to the pleadings, we are of the opinion that the writ petition can be disposed of at the admission stage itself by setting aside the impugned order dated 03.08.2006 with a further direction that the said

impugned order is to be treated as show-cause notice and reasonable opportunity to the petitioner be afforded. The petitioner undertakes to file his objections before the first respondent on or before 20.01.2007 without awaiting further notice from the first respondent and on receipt of the objections of the petitioner, it is open to the first respondent to consider the objections and pass appropriate final order in accordance with law.

With the above direction, the writ petition is disposed of.

JUSTICE J.CHELAMESWAR

JUSTICE D.APPA RAO

3rd JANUARY, 2007
PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
D.APPA RAO

WRIT PETITION No.24601 OF 2006
(Per Sri Justice J.Chelameswar)

3RD JANUARY, 2007